

Update: Criminal Procedure Monograph 2—Issuance of Search Warrants (Third Edition)

Part A—Commentary

2.14 Other Exceptions Applicable to Search Warrants

E. Exigent Circumstances Doctrine

Insert the following text before the last full paragraph on page 33:

Where “officers were confronted with ongoing violence occurring within [a] home” during their investigation of a neighbor’s early morning complaint about a loud party, exigent circumstances justified the officers’ warrantless entry. *Brigham City, Utah v Stuart*, 547 US ___, ___ (2006) (emphasis omitted). In *Brigham City*, the police officers were responding to a “loud party” complaint when they heard people shouting inside the residence at the address to which they responded. The officers walked down the driveway to further investigate and saw two juveniles drinking beer in the backyard of the residence. Through a screen door and some windows, the officers observed a physical altercation in progress in the kitchen. The officers saw one of the adults spitting blood in the kitchen sink after a juvenile punched him in the face, and when the other adults attempted to restrain the juvenile using force enough to move the refrigerator against which the juvenile was pinned, one of the officers opened the screen door and announced their presence. The officers’ presence went unnoticed until one of them walked into the kitchen and repeated the announcement. The individuals in the kitchen eventually realized that police officers were present and stopped struggling with the juvenile. *Brigham City*, *supra* at ___.

A law enforcement officer’s warrantless entry of a home is permitted “when [the officer] ha[s] an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury.” *Id.* at ___. The defendants in *Brigham City* argued that evidence discovered as a result of the officers’ warrantless entry should be suppressed because “the officers were more interested in making arrests than quelling violence.” *Id.* at ___. The United States Supreme Court disagreed and explained that whether an officer’s subjective motivation for a warrantless entry is to provide

emergency assistance to an injured person or to seize evidence and effectuate an arrest is irrelevant to a determination of reasonableness. *Id.* at _____. If an officer's action is justified under an objective view of the circumstances, the action is reasonable for Fourth Amendment purposes, regardless of the officer's state of mind. *Id.* at _____.